

form of ballot and for making returns; providing for the appointment of an assessor and collector of taxes, and fixing his powers, duties, bond and compensation; providing for the collection of delinquent taxes, and for the assessment and collection of taxes by the county assessor and collector; applying the general laws when a matter is not expressly provided for, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

FAUBION, Chairman.

Committee Room,  
Austin, Texas, February 24, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 324, "An Act authorizing the Polytechnic Heights Independent School District No. 42 of Tarrant county to levy and collect taxes, for issuance of bonds to the amount not to exceed fifty cents on the one hundred dollar valuation, declaring an emergency, and the repeal of all laws conflicting with any part of this act,"

Have carefully compared same and find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

FAUBION, Chairman.

Committee Room,  
Austin, Texas, February 24, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 358, "An Act to reorganize the Sixty-third and Eighty-third Judicial Districts of the State of Texas; and to prescribe the time and fix the terms of holding the courts in each of said judicial districts; and to conform all writs and process from such courts to such changes, and to make all process issued or served before this act takes effect, including recognizances and bonds, returnable to the terms of the courts in the several districts as herein fixed and to validate process and to validate the summoning of grand and petit jurors and juries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this

day, at 5 o'clock p. m., presented same to the Governor for his approval.

FAUBION, Chairman.

Committee Room,  
Austin, Texas, February 24, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 317, "An Act authorizing the commissioners court of Scurry county to validate the sale of a certain block of land in the town of Snyder in this State, known as Block 25, and shown on the recorded plat of the original town of Snyder in Scurry county, of record in Book 1 at page 358 of the deed records of said county; authorizing the commissioners court of said county to execute a deed of confirmation, without the necessity of public advertisement and public sale, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

FAUBION, Chairman.

### THIRTY-FIRST DAY.

(Continued.)

(Friday, February 25, 1921.)

The House met at 10 o'clock a. m., and was called to order by Speaker Thomas.

### NOTICE GIVEN.

Mr. Miller of Dallas gave notice that he would on tomorrow call up for consideration at that time House Concurrent Resolution No. 26, which resolution has heretofore been read second time and laid on the table subject to call.

### REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 227.

Mr. John Davis of Dallas moved to reconsider the vote by which the House adopted the report of the free conference committee on House bill No. 227.

The motion to reconsider prevailed.

Question—Shall the report be adopted?

The Clerk was directed to call the roll, and the report was adopted by the following vote:

Yeas—117.

Aiken.  
Baker.  
Baldwin.

Barker.  
Barrett of Bell.  
Barrett of Fannin.

Bass.	McLeod.
Beasley	Marshall.
of Hopkins.	Mathes.
Beasley	Melson.
of McCulloch.	Menking.
Beavens.	Merriman.
Binkley.	Miller of Dallas.
Black, O. B.,	Miller of Parker.
of Bexar.	Morgan.
Black, W. A.,	Moore.
of Bexar.	Morris of Medina.
Brady.	Morris
Branch.	of Montague.
Brown.	Mott.
Bryant.	Neblett.
Burkett.	Owen.
Burmeister.	Patman.
Burns.	Perkins
Carpenter.	of Cherokee.
Childers.	Perkins of Lamar.
Coffee.	Perry.
Cox.	Pollard.
Crawford.	Pool.
Curtis.	Pope.
Darroch.	Quaid.
Davis, John E.,	Quicksall.
of Dallas.	Quinn.
Davis, John,	Rice.
of Dallas.	Rogers of Harris.
Dinkle.	Rogers of Shelby.
Duffey.	Rosser.
Edwards.	Rountree.
Estes.	Rowland.
Fugler.	Satterwhite.
Garrett.	Schweppe.
Greer.	Shearer.
Grissom.	Sims.
Hall.	Sneed.
Hanna.	Stevenson.
Hardin.	Stewart
Harrington.	of Edwards.
Henderson	Stewart of Reeves.
of McLennan.	Swann.
Henderson	Sweet of Brown.
of Marion.	Sweet of Tarrant.
Hendricks.	Teer.
Hill.	Thomas
Horton.	of Limestone.
Johnson of Ellis.	Thomason.
Johnson	Thompson
of Wichita.	of Harris.
Jones.	Thompson
Kacir.	of Red River.
Kellis.	Thorn.
King.	Thrasher.
Kveton.	Veatch.
Laird.	Wadley.
Lawrence.	Wallace.
Looney.	Webb.
McCord.	Wessels.
McDaniel.	Westbrook.
McFarlane.	Wright.
McKean.	

Present—Not Voting.

Bonham.                      Martin.  
Johnson of Gillespie.

Absent.

Crompton.	Smith.
Faubion.	Stephens.
Fly.	Walker.
Lackey.	West.
Laney.	Williams
Lindsey.	of McLennan.
Malone.	

Absent—Excused.

Adams.	Lauderdale.
Chitwood.	Leslie.
Cummins.	Seagler.
Duncan.	Williams
Harrison.	of Montgomery.

# REPORT OF FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 342.

Mr. Satterwhite, Chairman, submitted the following report, which was read to the House:

Committee Room,

Austin, Texas, February 24, 1921.

Hon. Lynch Davidson, President of the Senate, and Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sirs: Your conference committee, appointed by your respective bodies, to adjust the differences between the Senate and the House, on House bill No. 342, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenue, for the several institutions and departments of the State Government for the fiscal year ending August 31, 1921, and declaring an emergency," have had same under consideration and beg to report that we have adjusted the differences and recommend that the House bill, as amended by the Senate, be adopted with the following exceptions:

That the item "For repairing and general overhauling and refinishing of the Governor's Mansion," be reduced to five thousand (\$5,000.00) dollars. That the item "To pay G. W. Brillhart, contractor, balance on construction of new dormitory, two thousand two hundred seventy-seven and forty-eight one-hundred (\$2,277.48) dollars," be eliminated (State Orphans' Home). That the wording of item "To pay off permanent school bonds Numbers One, Three, Ten and Eleven," be changed to read, "To pay off State bonds Numbers One, Three, Ten and Eleven."

That there be added an item, under heading of "Department of Education": For traveling expense of high school

supervisors, one thousand (\$1,000.00) dollars.

Respectfully submitted,

DUDLEY,  
WOOD,  
DARWIN,  
PAGE,  
ROGERS,

On the Part of the Senate.

SATTERWHITE,  
HENDERSON of Marion,  
THRASHER,  
THOMPSON of Harris,  
WEST,

On the Part of the House.

On motion of Mr. Satterwhite, the report was adopted.

#### HOUSE BILL NO. 184 ON ENGROSSMENT.

The Speaker laid before the House, as pending unfinished business, House bill No. 184, making appropriation in aid of vocational education, on its passage to engrossment, the bill having already been read second time.

Question—Shall the bill be passed to engrossment?

On motion of Mr. Satterwhite, further consideration of the bill was postponed until 2 o'clock p. m. today.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 25, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 29, Commending Admiral A. O. Wright.

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

#### SENATE BILL NO. 101 ON PASSAGE TO THIRD READING.

The Speaker laid before the House, as unfinished business, on passage to third reading,

S. B. No. 101, A bill to be entitled "An Act to amend Section 16 of Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Section 2 of Chapter 71 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Section 1, Chapter 113, of the General Laws of the Regular Session of the Thirty-sixth Legislature by increasing the annual license fee on commercial

vehicles and interurban commercial vehicles, and amending Section 16a, added to Chapter 190, of the General Laws of the Regular Session of the Thirty-fifth Legislature by Section 2 of Chapter 113 of the Acts of the Regular Session of the Thirty-sixth Legislature by increasing the license fee on commercial and interurban commercial vehicles based upon carrying capacity and per mile traveled, and declaring an emergency."

The bill having heretofore been read second time with (committee) amendment as substituted and amendment by Mr. Darroch to the (committee) amendment as substituted, pending.

Mr. Darroch then withdrew the pending amendment to the (committee) amendment as substituted.

Mr. Johnson of Wichita offered the following amendment to the (committee) amendment as substituted:

Amend Senate bill No. 101, Section 16a, page 726 of the Journal, by striking out all of that section following the word "city" and before the word "upon," the same being in parenthesis. The amendment was adopted.

Mr. Johnson of Wichita moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Stevenson offered the following amendment to the (committee) amendment as substituted:

Amend Senate bill No. 101 as amended, by striking out the words "2,001 to 3,999—1 cent," in Section 4, on page 727 of the Journal.

On motion of Mr. Owen, the amendment was tabled.

Mr. Owen offered the following amendment to the (committee) amendment as substituted:

Amend Senate bill No. 101 and the substitute, page 725, Section 1, column 1, by striking out of said section the words, "on and after the first day of July, 1921, and."

The amendment was adopted.

Mr. Morgan offered the following amendment to the (committee) amendment as substituted:

Amend substitute for Senate bill No. 101, Section 4, page 727 of the Journal, by striking out the following under the heads of "Net Carrying Capacity in Pounds" and "License Fee per Mile," "2001-3999,  $\frac{1}{2}$  cent."

Mr. Darroch offered the following substitute for the amendment by Mr. Morgan:

Insert in the first line, under head

of "Carrying Capacity," column 2, "1 cent" in lieu of "1 cent."

Question first recurring on the substitute by Mr. Darroch, it was lost.

Question next recurring on the amendment by Mr. Morgan, it was lost.

Mr. Fly offered the following amendment to the bill:

Amend Senate bill No. 101 as amended by striking out all before the enacting clause and insert in lieu thereof, for caption, the following:

A bill to be entitled "An Act to amend Section 16 of Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Section 2 of Chapter 71 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Section 1, Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legislature; providing for and increasing the annual license fee on commercial vehicles; providing for applications for registration, how and when said applications shall be made; defining a commercial motor vehicle, naming the net carrying capacity of such vehicles and the annual license fees to be charged in each instance; providing for annual license fee for trailers and semi-trailers and tractors; providing for fees to be paid on certain motor buses; and providing penalties for failure to comply with provisions of this act; and providing that the provisions of this act shall not apply to tractors used for agricultural purposes and road building; providing method of determining horsepower of certain vehicles; also providing basis of weight and how to settle disputed classifications; and providing certain described vehicles shall not be licensed or operated on public roads and providing penalties for violating said act; and providing for exceptions and special permits; and that liability shall attach for damages to highways and bridges in certain instances; and amending Section 16a added to Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature, by Section 2 of Chapter 113 of the Acts of the Regular Session of the Thirty-sixth Legislature, providing for registration of commercial motor vehicles and trailers operating over highways in this State in one or more counties, giving routes and providing for bond, conditioned for payment of fees due and to become due; providing for keeping of records by owner of commercial motor vehicles operating in one or more counties, show-

ing miles traveled in each county and report thereof; providing for the appropriation and distribution of mileage tax; and providing speed limit per hour for vehicles of certain maximum weight, when equipped with pneumatic tires and when equipped with solid tires; providing penalties for violating provisions of this act; and providing for use of governors on commercial motor vehicles, regulating speed of such vehicles as stated in this act, and providing penalties for failure to use such governors, and providing fee per mile for net carrying capacity in pounds of each stated vehicle and providing for division and distribution of mileage fees among certain counties, and providing penalties for violating provisions of this act, and repealing all laws in conflict with this act, and declaring an emergency.

Mr. McCord moved the previous question on the pending amendments and engrossment of the bill, and the main question was ordered.

Question first recurring on the (committee) amendment as substituted, it was adopted.

Question next recurring on the amendment by Mr. Fly to the caption of the bill, it was adopted.

Senate bill No. 101 was then passed to third reading.

Mr. Fly moved to reconsider the vote by which the bill was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

#### LEAVE OF ABSENCE GRANTED.

On motion of Mr. Teer, Mr. Chitwood and Mr. Seagler were excused for today and tomorrow on account of important business.

#### RECESS.

On motion of Mr. Hall, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Speaker Thomas.

#### RELATING TO CEMENT FACTORY.

Mr. Teer moved to reconsider the vote by which the House, on Thursday, February 17, adopted the resolution by Mr. Beasley of Hopkins, relating to the establishment by the State of a cement factory.

The motion to reconsider prevailed.

On motion of Mr. Teer, further consideration of the resolution was postponed indefinitely.

SENATE JOINT RESOLUTION NO. 4  
ON SECOND READING.

Mr. Horton called up, for consideration at this time, on its second reading,

S. J. R. No. 4, Amending Sections 5 and 21 and 22 and 23 of Article IV of the Constitution of the State of Texas relating to the compensation of the executive officers of said State.

The resolution having heretofore been read second time and laid on the table subject to call, and due notice having been given that the same would be called up for consideration today.

Mr. Moore offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 4 by adding the following section:

"Article III, Section 4: Mileage and Per Diem.—The members of the Legislature shall receive from the public treasury such compensation for their services as may, from time to time, be provided by law, not exceeding ten dollars per day for each regular session of one hundred and twenty days; and not exceeding five dollars per day for the remainder of such session; and provided, further, that members of the Legislature shall receive not to exceed ten dollars per day for each special session of the Legislature that may be called from time to time by the Governor. In addition to the compensation above provided for the members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall be ten cents per mile, the distance to be computed by the nearest and most direct travel by land regardless of railways and water routes; and the Comptroller of the State shall prepare and preserve a table of distances to each county seat, now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session."

Signed—Moore, Rountree.

The amendment was adopted.

Mr. Moore offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 4, Section 1, page 1, line 24, after "IV," as follows: "Section 24, Article III, and Section 40, Article III."

Signed—Moore, Rountree.

The amendment was adopted.

Mr. Moore offered the following amendments to the resolution:

Amend Senate Joint Resolution No. 4 by adding the following section:

"Section 40, Article 3: When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor, and no such session shall be for a longer duration than sixty days."

Signed—Moore, Rountree.

Substitute for caption of Senate Joint Resolution No. 4:

"A joint resolution of the Legislature of the State of Texas by amending Sections of the Constitution of the State of Texas, as follows: Sections 5 and 21 and 22 and 23 of Article IV, relating to the compensation of the executive officers; and Section 40, Article III, relating to special sessions of the Legislature; and Section 24, Article III, relating to mileage and per diem of members of the Legislature of said State."

Signed—Moore, Rountree.

The amendments were adopted.

Senate Joint Resolution No. 4 was then passed to third reading.

HOUSE BILL NO. 184 ON ENGROSSMENT.

The Speaker laid before the House, as postponed business, on its passage to engrossment, House bill No. 184, making an appropriation for State aid in vocational education.

Mr. Satterwhite offered the following amendment to the bill:

Amend House bill No. 184 by adding at the end of line 22, page 2, following the word "act," the following:

"And it is further provided that the sums expended under the provisions of this act for salaries and expenses in the administration and supervision of the funds herein appropriated shall not exceed \$17,560.00 for each year."

Mr. Teer moved the previous question on the pending amendment and the engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

House bill No. 184 was then passed to engrossment.

Mr. Thomason moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

RELATING TO REMARKS UNDER  
QUESTION OF PERSONAL  
PRIVILEGE.

Mr. West moved that the remarks made by Mr. Crumpton this morning under a question of personal privilege, be printed in the Journal.

Pending discussion of the motion, Mr. Williams of McLennan moved the previous question on the pending motion, and the main question was ordered.

Mr. Lawrence moved to reconsider the vote by which the previous question was ordered, and the motion to reconsider was lost.

Question then recurring on the motion by Mr. West, to print the remarks of Mr. Crumpton in the Journal, yeas and nays were demanded.

The motion to print prevailed by the following vote:

Yeas—81.

Barker.	Kacir.
Barrett of Fannin.	Kellis.
Beasley	Kveton.
of Hopkins.	Lackey.
Beavens.	Lindsey.
Binkley.	Looney.
Black, O. B.,	McCord.
of Bexar.	McDaniel.
Black, W. A.,	McFarlane.
of Bexar.	McKean.
Bonham.	Marshall.
Brown.	Mathes.
Bryant.	Melson.
Burkett.	Menking.
Carpenter.	Merriman.
Coffee.	Miller of Dallas.
Cox.	Miller of Parker.
Crawford.	Morgan.
Curtis.	Moore.
Darroch.	Morris
Davis, John E.,	of Montague.
of Dallas.	Mott.
Davis, John,	Patman.
of Dallas.	Perkins
Edwards.	of Cherokee.
Fly.	Perry.
Fugler.	Pollard.
Greer.	Pool.
Hall.	Pope.
Hanna.	Quaid.
Henderson	Rountree.
of McLennan.	Rowland.
Henderson	Satterwhite.
of Marion.	Shearer.
Hendricks.	Sims.
Hill.	Smith.
Horton.	Sneed.
Johnson	Stevenson.
of Gillespie.	Stewart
Johnson of Ellis.	of Edwards.
Johnson	Sweet of Brown.
of Wichita.	Sweet of Tarrant.
Jones.	Teer.

Thomason.  
Thompson  
of Harris.  
Walker.  
Webb.

Wessels.  
West.  
Williams  
of McLennan.  
Wright.

Nays—30.

Baker.  
Baldwin.  
Barrett of Bell.  
Beasley  
of McCulloch.  
Branch.  
Burmeister.  
Burns.  
Childers.  
Duffey.  
Garrett.  
Grissom.  
Hardin.  
Harrington.  
King.  
Laird.

Lawrence.  
McLeod.  
Morris of Medina.  
Neblett.  
Quicksall.  
Quinn.  
Rice.  
Rogers of Harris.  
Rogers of Shelby.  
Stewart of Reeves.  
Swann.  
Thompson  
of Red River.  
Thorn.  
Thrasher.  
Wallace.

Present—Not Voting.

Aiken.  
Crumpton.  
Martin.

Stephens.  
Veatch.

Absent.

Bass.  
Brady.  
Dinkle.  
Estes.  
Faubion.  
Laney.  
Malone.  
Owen.

Perkins of Lamar.  
Rosser.  
Schweppe.  
Thomas  
of Limestone.  
Wadley.  
Westbrook.

Absent—Excused.

Adams.  
Chitwood.  
Cummins.  
Duncan.  
Harrison.

Lauderdale.  
Leslie.  
Seagler.  
Williams  
of Montgomery.

Mr. Crumpton's remarks are as follows:

"Mr. Speaker: Without any spirit of criticism, but with a purpose to defend myself, I rise to a point of personal privilege.

"For twenty years I have entered every battle, both local and State, to prohibit the liquor traffic and to drive from the affairs of men, strong drink. The other day I, with sixty-one others, voted to strike out the enacting clause of a bill which provided that the testimony of an accomplice for a certain offense, was better than the testimony of an accomplice for other criminal offenses. Since that vote was cast I, and the other sixty-one members, have been charged as standing in the way of wholesome legislation for my State.

"Permit me to say that as a lawyer,

who practiced criminal law, I have represented as few men charged with the violation of the local option law as any lawyer in Texas, whose practice is as extensive as mine. In my vote the other day, I voted to uphold the principles of the organic law of the land; a law carved from out the rock of the sacrifices of the ages and whose letters are stained with human blood. I also voted to maintain the statutory law passed by a constitutional body, and in doing so I was prompted by the spirit only, of maintaining the old landmark that should guide courts and juries in dealing with the life, liberty and property of men. It might not be out of place for me to call your attention to some of the provisions of this law, towit:

"Section 3 of the Bill of Rights of this State, provides that all men have equal rights and no man or set of men is entitled to special privileges, but in consideration for public service.

"Section 19 of Article 1 provides that 'no citizen of this State shall be deprived of life, liberty or property, except by due course of the law of the land.'

"Article 2 of the Constitution of this State provides: 'The powers of government shall be divided into three distinct departments: the legislative, executive and judicial, and the one shall not interfere with the other, except as expressly permitted by law.'

"The Legislature of this State, in keeping with its constitutional authority, enacted Article 801 of the Code of Criminal Procedure, which provides that 'no conviction shall be had on testimony of an accomplice, unless corroborated by other evidence tending to connect the defendant with the offense committed.'

"Upholding these landmarks, I voted as I did, having no other power to look to for guidance, except the God of right and justice, and having no other rule by which to be guided, except my convictions. Being conscious at the time of the truthfulness of Holy Writ, which says: 'that whatsoever a man soweth that shall he also reap'; past experiences having taught me that I must pay for the wrongs that I commit, but also I have been taught by past experiences that when I have the good thought and do the good deed, to fear not.

"I believe that this feeling possessed me when I voted as I did, and I shall resent the imputations as appeared in the press, for myself and others, who voted as I did, that we, by voting as we did, had gone over to the bootleggers of this State and left worthless and fruitless the provisions of the Dean law.

"I believe that this membership is

composed of men who are here to render service to the people of this State, rather than to obtain reward or emoluments for themselves. So believing, I have said what I have said."

Mr. Satterwhite moved that the statement of Governor Neff, appearing in the Dallas News of February 25, be printed in the Journal.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—110.

Baker.	Johnson of Ellis.
Baldwin.	Johnson
Barker.	of Wichita.
Barrett of Bell.	Jones.
Barrett of Fannin.	Kacir.
Bass.	Kellis.
Beasley	Lackey.
of Hopkins.	Laird.
Beasley	Lindsey
of McCulloch.	Looney.
Beavens.	McCord.
Binkley.	McDaniel.
Black, O. B.,	McFarlane.
of Bexar.	McKean.
Black, W. A.,	McLeod.
of Bexar.	Martin.
Bonham.	Marshall.
Branch.	Mathes.
Brown.	Melson.
Bryant.	Merriman.
Burkett.	Miller of Dallas.
Burmeister.	Miller of Parker.
Carpenter.	Morgan.
Childers.	Moore.
Coffee.	Morris of Medina.
Cox.	Morris
Crawford.	of Montague.
Crumpton.	Mott.
Curtis.	Neblett.
Darroch.	Patman.
Davis, John E.,	Perkins
of Dallas.	of Cherokee.
Davis, John,	Perkins of Lamar.
of Dallas.	Perry.
Dinkle.	Pollard.
Duffey.	Pool.
Edwards.	Pope.
Fly.	Quaid.
Fugler.	Quicksall.
Garrett.	Quinn.
Greer.	Rice.
Hall.	Rogers of Harris.
Hanna.	Rogers of Shelby.
Hardin.	Rosser.
Harrington.	Rountree.
Henderson	Rowland.
of McLennan.	Satterwhite.
Henderson	Shearer.
of Marion.	Sims.
Hendricks.	Smith.
Hill.	Sneed.
Horton.	Stevenson.
Johnson	Stewart
of Gillespie.	of Edwards.

Swann.	Thorn.
Sweet of Brown.	Thrasher.
Sweet of Tarrant.	Walker.
Teer.	Wessels.
Thomas.	West.
of Limestone.	Williams
Thomason.	of McLennan.
Thompson	Wright.
of Harris.	
Thompson	
of Red River.	

Nays—8.

Burns.	Lawrence.
Grissom.	Menking.
King.	Stewart of Reeves.
Kveton.	Wallace.

Present—Not Voting.

Aiken.	Veatch.
	Absent.

Brady.	Owen.
Chitwood.	Schweppe.
Cummins.	Seagler.
Estes.	Stephens.
Faubion.	Wadley.
Laney.	Webb.
Malone.	Westbrook.

Absent—Excused.

Adams.	Leslie.
Duncan.	Williams
Harrison.	of Montgomery.
Lauderdale.	

Reason for Vote.

I vote "no" because the Governor's signature does not appear under this statement.

LAWRENCE.

The statement of Governor Neff, as furnished by Mr. Satterwhite, is as follows:

"Austin, Texas, Feb. 24.—'Defeat of this bill is the greatest victory for the bootlegger and the lawless element they have won in this State for many years,' Governor Neff declared today in commenting on action of the House in killing the bill which provided that a bootlegger could be convicted on the evidence alone of a purchaser of liquor. Mr. Neff said the bill was introduced at his suggestion to meet a court ruling interpreting the Dean law.

"The action of the House by its vote practically wiped off the books and made ineffective the prohibition law. The bootlegger is in high clover now. He can now sell a quart of whisky to the best man in Texas, and that honest, truthful man can testify before a jury of twelve men and swear he bought the whisky, can tell where he bought the

whisky and what he paid for it, and all the circumstances of the purchase and exhibit the liquid bought by him and identify the defendant as the seller, and yet in face of that testimony the bootlegger need not even take the stand and deny it for the reason that the law as it now stands comes to his rescue and instructs the court to reverse the case and dismiss it for lack of evidence.

"As Governor, I thought this broken link in the law should be mended. The members of the House did not think so. The verdict of a jury in a case of this kind, I think, should be permitted to stand. The bill the Legislature was asked to pass was copied from the old local option law, and during the long years of the enforcement of the local option law the wisdom of this law was never questioned, but, on the contrary, enabled the local option law to be enforced.

"If the people of Texas are opposed to the enforcement of the prohibition law, then their Representatives have certainly carried out their wishes, because the bootlegger, the worst enemy civilization has, can now sell his liquor and he cannot be convicted unless a third person will come to court and testify that he had no interest in the purchase of the whisky and that as an innocent bystander he saw the sale made. Not very often is a third person called into conference to witness a transaction of this kind. Lawlessness seems to have the right of way these days in Texas," concluded the Governor."

In behalf of the newspaper representatives, Mr. Rountree submitted the following statement furnished him by them, and upon motion of Mr. Miller of Dallas, it was ordered printed in the Journal:

"The statement by Governor Pat M. Neff, printed in the newspapers of this State on February 24 and February 25, was dictated by the Governor to one of his secretaries, then read and corrected by him, and then given to the press, with the notation: 'Not to be used if not printed in full.' The newspapers of this State printed the article in full, and printed it without changing it in word or jot or tittle, without changing the crossing of a 't' or the dotting of an 'i.'"

HOUSE BILL NO. 512 ON SECOND READING.

On motion of Mr. John E. Davis of Dallas, by unanimous consent, the regu-

lar order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 512, A bill to be entitled "An Act to amend Articles 1070 and 1075 of Chapter 15, Title 22, of the Revised Civil Statutes of the State of Texas of 1911, as amended by the General Laws of the Regular Session of the Thirty-third Legislature, both of which articles of the statutes relate to commission form of government for cities and towns of less than 5,000, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

#### HOUSE BILL NO. 359 ON SECOND READING.

On motion of Mr. Brown, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 359, A bill to be entitled "An Act fixing the venue in prosecution for bigamy, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

#### ADJOURNMENT.

\* On motion of Mr. Williams of McLennan, the House, at 4 o'clock p. m., adjourned until 4 o'clock p. m., Friday, February 25. \*

#### APPENDIX.

#### REASON FOR VOTE ON HOUSE BILL NO. 129.

I am just as good a pro as the Governor is. I am as much in favor of the strict enforcement of the liquor laws as he is, and I am willing to assist him all that I can, but I am unwilling to see a man charged with a felony to be convicted with the unsupported evidence of a co-defendant, or a co-felon. Under our present law it is as much a felony to buy and possess liquor as it is to sell. Both the buyer and seller are equally guilty, and in the eyes of the law the testimony of one is equal to the testimony of the other, and it has always been the law of our State that the testimony of an accomplice, or co-defendant, must be corroborated by other testimony or facts, before a conviction will be sustained.

I note that Governor Neff says: "He (referring to a bootlegger) can now sell a quart of whisky to the best man in Texas, and that honest, truthful man can testify, etc., \* \* \* and yet in the face of that testimony the bootlegger need not even take the stand, \* \* \*" which is true, but the Governor forgets, that under the present law, his "best man in Texas" immediately upon the purchase of the whisky from the bootlegger becomes not an "honest, truthful man," but becomes a felon, and the Governor knows as well as I know, and as well as you know, that in the eyes of the law a felon is not to be believed, except when corroborated. That has been the law of the ages, and is now the law. A defendant cannot be convicted for the heinous offenses of seduction, incest and adultery, and others not necessary to mention, upon the uncorroborated testimony of the accomplice, and the Governor knows it, or should know it, and God knows if any person needs conviction it is the seducer and adulterer. So why not wipe out the law of accomplice in those crimes?

I am for the enforcement of the prohibition law, but I am not in favor of overturning a principle of law that is one of the most vital in our whole jurisprudence, so I have drawn an amendment to the Dean law that does not make the purchase and possession of whisky a crime, and thus leaves such purchaser absolutely free and untrammelled as a witness. Otherwise the Dean law is left intact. I hope this amended bill will meet the approval of the Governor, as well as satisfy the Rev. Atticus Webb, who, I understand, has made some rather uncomplimentary remarks about the failure of the bill.

The Morris bill, which was defeated, also attempted to repeal the suspended sentence law in so far as it applies to violations of the liquor laws. I was and am opposed to that provision, because there might be cases of violations of the liquor laws that a suspended sentence should be granted. It is certainly no greater crime to buy or sell liquor than it is to steal, swindle, commit forgery, seduction or manslaughter, and the suspended sentence applies to those crimes.

I note, also, that the Governor says: "The bootlegger, the worst enemy civilization has, can sell his liquor and he cannot be convicted unless a third person will come to court and testify that he had no interest in the purchase of the whisky, and that as an innocent bystander he saw the sale made. Not very often is a third person called into con-

ference to witness a transaction of this kind. Lawlessness seems to have the right of way these days."

The Governor evidently forgets that there are other methods of corroboration than by "an innocent bystander." For instance, an officer could purchase the whisky with marked money, and the bootlegger afterward be taken into custody in possession of the marked money; or, the accomplice might testify that he purchased from a certain described man at a certain time and place, and other witnesses could be called to testify that they saw the accomplice and the defendant at the place at the time specified; or, another might testify that the defendant kept whisky at a certain place and he saw him leave that place with whisky at about the time testified to by the accomplice, and later return without the whisky and with some money. It is not necessary, as the Governor is bound to know, for the accomplice to be corroborated on every point, but only to the extent that the jury believe "that the defendant and no other person made the sale."

By the last sentence, as quoted from the Governor, it seems that he intended to say that this is a "lawless" House of Representatives, but I hope he did not intend to convey that meaning. But if it is "lawlessness" to stand for fundamental principles of law that have stood the test of time, then I plead guilty. In other words, "if that be treason, then let him make the most of it."

I voted to strike out the enacting clause, which amendment was offered by Representative Cox, of Taylor county, a life long pro and also a friend of the Governor's since boyhood days. I feel that the Governor has unwittingly, perhaps, left an erroneous impression with reference to the men opposing the bill, and I make this statement in order that the people generally may know that some of the staunchest pros and law-enforcing men in Texas voted against the bill, not because they stand for the bootlegger and lawlessness, but because the effect of the bill was to overturn a vital principle in our law.

BURKETT,  
MARSHALL,  
STEWART of Edwards.

#### STANDING COMMITTEE REPORTS.

The following standing committees filed favorable reports on bills today, as follows:

Judicial Districts: House bills Nos. 384, 522.

Roads, Bridges and Ferries: Senate bill No. 273.

Banks and Banking: House bill No. 540.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, February 25, 1921.  
Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 353, A bill to be entitled "An Act creating the Stamford County Line Independent School District in Jones and Haskell counties, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas on independent school districts and the boards of trustees thereof; declaring that all taxes or bonds heretofore authorized by any and all former school districts included within the bounds hereof shall remain in full force and effect; providing that such board of trustees shall have the power to take, receive, sell, convey, transfer and dispose of real and personal property; repealing Chapter 2 of the Special Laws of Texas passed at the Second Called Session of the Thirty-first Legislature, and declaring an emergency."

H. B. No. 524, A bill to be entitled "An Act creating the Buffalo Flat Common School District Number 20 in Hall county, Texas, describing its metes and bounds, providing for the assumption of its part of the bonded indebtedness of Turkey Independent District, placing the district under the general laws, providing for a board of three trustees, and declaring an emergency."

H. B. No. 243, A bill to be entitled "An Act to amend Section 2, Section 26, of Chapter 48, of the General Laws of the First and Second Called Sessions of the Thirty-sixth Legislature of the State of Texas, so as to provide for and make definite the right to include all or part or more than one political subdivision of the State of Texas, within fresh water supply districts at their organization and to limit the issuance of bonds by such district, and declaring an emergency."

H. B. No. 279, A bill to be entitled "An Act to validate all sales of Deaf and Dumb Asylum land made on April 9, 1903, and declaring an emergency."

H. B. No. 309, A bill to be entitled "An Act fixing the compensation of

county commissioners in counties having a population of as much as twenty-eight thousand and less than twenty-nine thousand, according to the last United States census, and declaring an emergency."

H. B. No. 364, A bill to be entitled "An Act amending Article 2939, Chapter 4, Title 49, Revised Civil Statutes of the State of Texas of 1911, as amended by Senate bill No. 33, Chapter 40, General Laws of the State of Texas, passed at the First Called Session of the Thirty-fifth Legislature and approved May 26, 1917, regulating elections, prescribing certain qualifications of voters, and providing for absentee voting."

H. B. No. 481, A bill to be entitled "An Act authorizing Briscoe county, Texas, or any political subdivision or defined district thereof, to issue road bonds under the provision of the general law; validating bond election heretofore held in certain defined political subdivisions in said county; providing for the validation of all proceedings and orders heretofore or hereafter made by the commissioners court of said county in the establishment of a road district where the territory embraced therein overlapped the territory embraced within the boundaries of another district theretofore formed, and validating all proceedings, and declaring an emergency."

H. B. No. 504, A bill to be entitled "An Act to fix the time of holding the courts in the Thirty-eighth Judicial District of Texas; changing the time of holding the district court in Kerr county, and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 505, A bill to be entitled "An Act creating the Atlanta Independent School District, commonly known as Common School District in Cass county, Texas, and including within its limits the municipal corporation of the town of Atlanta, and defining its borders; and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy and assess and collect special taxes, and conferring upon the board of trustees preliminary powers; and providing authority to issue bonds for the purpose of purchasing school sites and erecting and furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools; providing an equalization board, and prescribing the duty and authority of said boards of trustees; declaring valid an issue of bonds thereto-

fore made; declaring valid a maintenance tax theretofore voted, and repealing laws in conflict herewith in so far as they conflict with this act, and declaring an emergency."

H. B. No. 514, A bill to be entitled "An Act to amend the special road law in force in Van Zandt county, as enacted by the Thirty-third Legislature, and approved March 25, 1913, and as amended by the Thirty-fourth Legislature and approved March 15, 1915, by striking out Section 11 thereof and correcting Sections Nos. 12 and 13 so as to read Sections Nos. 11 and 12, respectively."

H. B. No. 517, A bill to be entitled "An Act creating the La Feria Independent School District in Cameron county, Texas, and defining its boundaries; providing for the election and qualification of a board of trustees therefor; providing for the selection of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees and prescribing their qualifications; investing said district with all the rights, powers and privileges and duties of a town or village incorporated under the general laws of the State of Texas for free school purposes only, and declaring an emergency."

H. B. No. 518, A bill to be entitled "An Act creating the Santa Rosa Independent School District in Cameron county, Texas, and defining its boundaries; providing for the election and qualification of a board of trustees therefor; providing for the selection of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees, and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of the State for free school purposes only, and declaring an emergency."

H. B. No. 485, A bill to be entitled "An Act creating the Hackberry Independent School District in Edwards and Real counties, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts, and the board of trustees thereof, and declaring an emergency."

H. B. No. 484, A bill to be entitled "An Act creating the Vance Independent School District in Edwards and Real counties, Texas; defining its boundaries; providing for a board of trustees in said

district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof, and declaring an emergency.

H. B. No. 521, A bill to be entitled "An Act creating the Bloomburg Independent School District in Oass county, Texas; defining its boundaries, including the present Bloomburg Independent School District; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges, and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms, and declaring an emergency."

And find the same correctly engrossed.  
SNEED, Chairman.

### THIRTY-SECOND DAY.

(Friday, February 25, 1921.)

The House met at 4 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Aiken.	Crawford.
Baker.	Crumpton.
Baldwin.	Curtis.
Barker.	Darroch.
Barrett of Bell.	Davis, John E.,
Barrett of Fannin.	of Dallas.
Bass.	Davis, John,
Beasley	of Dallas.
of Hopkins.	Dinkle.
Beasley	Duffey.
of McCulloch.	Edwards.
Beavens.	Fly.
Binkley.	Fugler.
Black, O. B.,	Garrett.
of Bexar.	Greer.
Black, W. A.,	Grissom.
of Bexar.	Hall.
Bonham.	Hanna.
Branch.	Hardin.
Brown.	Harrington.
Bryant.	Henderson
Burkett.	of McLennan.
Burmeister.	Henderson
Burns.	of Marion.
Carpenter.	Hendricks.
Childers.	Hill.
Coffee.	Horton.
Cox.	

Johnson	Pool.
of Gillespie.	Pope.
Johnson of Ellis.	Quaid.
Johnson	Quicksall.
of Wichita.	Quinn.
Jones.	Rice.
Kacir.	Rogers of Harris.
Kellis.	Rogers of Shelby.
King.	Rosser.
Kveton.	Rountree.
Lackey.	Rowland.
Laird.	Satterwhite.
Lawrence.	Shearer.
Lindsey.	Sims.
Looney.	Smith.
McCord.	Sneed.
McDaniel.	Stephens.
McFarlane.	Stevenson.
McKean.	Stewart
McLeod.	of Edwards.
Malone.	Stewart of Reeves.
Martin.	Swann.
Marshall.	Sweet of Brown.
Mathes.	Sweet of Tarrant.
Melson.	Teer.
Menking.	Thomas
Merriman.	of Limestone.
Miller of Dallas.	Thomason.
Miller of Parker.	Thompson
Morgan.	of Harris.
Moore.	Thompson
Morris of Medina.	of Red River.
Morris	Thorn.
of Montague.	Thrasher.
Mott.	Veatch.
Neblett.	Walker.
Owen.	Wallace.
Patman.	Webb.
Perkins	Wessels.
of Cherokee.	West.
Perkins of Lamar.	Williams
Perry.	of McLennan.
Pollard.	Wright.

Absent.

Brady.	Laney.
Estes.	Wadley.

Absent—Excused.

Adams.	Leslie.
Chitwood.	Schweppe.
Cummins.	Seagler.
Duncan.	Westbrook.
Faubion.	Williams
Harrison.	of Montgomery.
Lauderdale.	

A quorum was announced present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business: